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Counsel for Federal Defendants

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF OREGON**

**NORTHWEST ENVIRONMENTAL  
ADVOCATES,**

Case No. CV 01-510 HA

Plaintiff,

v.

**UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY and  
NATIONAL MARINE FISHERIES  
SERVICE,**

**FEDERAL DEFENDANTS'  
STATUS REPORT**

Defendants.

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The Federal Defendants submit this Status Report pursuant to the Stipulated Compliance Schedule adopted by the Court on June 11, 2003.

The Federal Defendants are on schedule to meet their obligations under the Final Judgment and other orders entered by the Court. Among other things, they have accomplished the following:

1. EPA and the State of Oregon, in coordination with the USFWS and NOAA Fisheries, have developed a methodology to define where and when the different salmonid uses apply, and have developed basin maps reflecting the proposed use designations as well as the criteria appropriate to protect these uses.

2. EPA is currently determining how to express the required time and place designations in workable regulatory text for the proposed rule and preamble, and is coordinating review of the language by other federal agencies.

3. EPA is identifying and assembling the documents that constitute the record for the proposed rule.

4. EPA is working with USFWS and NOAA Fisheries on the ESA consultation for the EPA rule. EPA expects to provide the services with a draft Biological Assessment by September 23, 2003.

5. EPA is conducting the economic analysis for the proposed rule in compliance with Executive Order 12866, the Regulatory Flexibility Act (as amended by the Small Business Regulatory Enforcement and Fairness Act), and the Unfunded Mandates Reform Act.

6. EPA is coordinating with Oregon tribes and offering consultation with Idaho and Washington tribes on the proposed rule.

7. EPA will be scheduling a public comment period (final dates to be established) and a public hearing the week of October 20, 2003, on the EPA proposed rule.

Respectfully submitted,

THOMAS L. SANSONETTI  
Assistant Attorney General  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 29<sup>th</sup> day of August, 2003, a true and correct copy of the foregoing was served by first-class mail addressed to the following:

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